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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,078	09/21/2001	Michal Lemaire	DN2001165USA	4361

7590 04/22/2004

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/960,078	<b>Applicant(s)</b> LEMAIRE ET AL.	
	<b>Examiner</b> Geoffrey L. Knable	<b>Art Unit</b> 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,4-10 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 2,4-7 and 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 1733

1. Applicant is advised that the amendment filed 2-3-04 is not in technical compliance with the new amendment rules which require that the text of canceled claims must not be presented. The claims have nevertheless been considered to expedite prosecution but any future amendment must *strictly* comply with the amendment rules.

2. Claims 7 and 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 as amended presents no claim number from which the claim depends. For purposes of this office action, this claim will be read as depending from claim 4 but clarification is required.

Line 1 of claim 25 refers to "Method of A method" – it seems that "Method of" should be deleted to avoid ambiguity.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Black et al. (US 3,389,032).

Art Unit: 1733

Black et al. discloses a method for aligning multiple building drums moving through multiple building stations in which the drums are moved through the stations with the drum axis coincident with the working axis through the stations – note esp. “F”, “G”, “J”, “K”, “L”, “M” in fig. 1 as well as col. 14, lines 19-22. Further, the drums ride on a rail system of two rails, one of the rails having a flat shape while the other rail has an inverted v-shape – note esp. figs. 5-6. By virtue of the flat and v-shaped rails and their associated rollers, this reference further is considered to be vertically aligning with both rails/rollers while laterally aligning with only the v-shaped rollers/rails as claimed. Further, it is considered that the drum carriers “A” independently move along the rails, their being no positive or permanent interconnection between the carriers and thus independent movement is considered to be present. Further, although this is not considered to be the case, even if it were considered that the carriers were not independently moved, it is submitted that it would have been obvious to provide such a capability for independent movement of the drums to provide the plant with extra flexibility in terms of accommodating different cycle times, etc. at the various work stations, it being stressed that a major goal of the Black et al. system is to provide a versatile and flexible building system that can build different tires on the same line - none but the expected results would have been achieved. As to claim 2, multiple stations along a linear work axis is clearly present (fig. 1). As to claim 5, the rails meet these requirements as already discussed.

Art Unit: 1733

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (US 3,389,032) taken in view of JP 2001-247037 to Shimizu and/or Chouinard (US 2,336,596).

Black et al. clearly provides flat and v-rollers for engaging the rails but only illustrates a v-grooved roller rather than pairs of v-mounted rollers to engage the v-rail. JP '037 to Shimizu and Chouinard (note rollers "20" engaging rail "14") are examples of the known use of pairs of v-mounted rollers to engage or travel along a v-shaped rail, it being considered to have been an obvious alternative to adopt such a known suitable and effective roller arrangement in place of a grooved roller for engaging a v-rail.

7. Claims 7 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (US 3,389,032) taken in view of Hoehn et al. (US 4,718,810).

Black et al. is applied as above, this reference teaching a process as defined in claims 7 and 25 except that this reference provides drum carriers "A" but they do not seem to be self propelled vehicles/carriers.

Hoehn et al. provides evidence that self-propelled vehicles or automated guided vehicles (AGV) are well known in multiple station production environments, this reference further indicating an understanding that additional positioning means are needed for accurate positioning at the work stations when using AGV's - note esp. col. 1, lines 5-22. To help provide the necessary alignment with the workstations, the reference teaches providing the independently movable vehicles to move along a track or rails 204/206 (see also col. 1, lines 35-44). In light of these teachings, the provision of self-propelled vehicles moving along the rails to transport the drums among stations

Art Unit: 1733

rather than the non-self propelled vehicles/drum carriers "A" of Black et al. would have been an obvious alternative to the ordinary artisan and lead to only the expected results including enhanced production flexibility and versatility while somewhat simplifying the control/driving means for the drum carriers.

As to claims 26-29, the drums axes are parallel to the axis through the stations – note again "F", "G", "J", "K", "L", "M" in fig. 1 as well as col. 14, lines 19-22. Further, Black et al. clearly suggests that the drum carriers and thus drums are located in fixed locations at the stations (e.g. col. 18, lines 20-29), this being considered to suggest precisely registering the drums as claimed. Further, note again that Hoehn et al. provide additional evidence of the well known desire to precisely position movable carrier/vehicles in multiple station environments.

8. Claims 8-10 and 21-24 are allowed for the reasons set forth in the last office action.

9. Claims 30-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

These claims are likewise allowable for the same reasons set forth in the last office action with respect to corresponding claims 8-10.

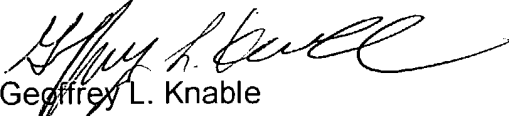
10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

Art Unit: 1733

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
April 16, 2004